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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/649,310	08/27/2003	Cheng-Ming Lin	TSM02-0936	5405

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EXAMINER

RUGGLES, JOHN S

ART UNIT PAPER NUMBER

1756

DATE MAILED: 07/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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Advisory Action Before the Filing of an Appeal Brief	Application No. 10/649,310	Applicant(s) LIN, CHENG-MING	
	Examiner John Ruggles	Art Unit 1756	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 14 July 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
- (a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ They raise the issue of new matter (see NOTE below);
- (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☒ Applicant's reply ~~has~~ ^{would have} overcome the following rejection(s): See Continuation Sheet.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
- The status of the claim(s) is (or will be) as follows:
- Claim(s) allowed: none.
- Claim(s) objected to: 51.
- Claim(s) rejected: 40-67.
- Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s) _____.
13. ☐ Other: _____.


S. ROSASCO
PRIMARY EXAMINER
GROUP 1500

Continuation of 3. NOTE: The currently proposed amendments to at least claims 40 and 53 recite new limitations now presented for the first time that would require further consideration and/or search. Therefore, the currently proposed amendment will not be entered.

Continuation of 5. Applicant's reply WOULD have overcome the following rejection(s):

- (1) the previous objections to the title and at least most of the previous objections to the specification;
- (2) the previous potential objection to claim 51 (since this claim would have been cancelled);

(3) the previous rejection of claims 40-50 and 53 with regard to the previously unsupported "APS" that would have been changed to the originally supported --attPS-- throughout the remaining claims (although it is again noted that Applicants insist on using different spellings for "attPS layer" and "attPS-layer") and the previous rejection of claims 51-52 and 54-67 (since these latter claims would have been cancelled) under the FIRST paragraph of 35 USC 112;

(4) the previous rejections of claims 42 and 53 with regard to the undefined meanings of "L0", "L1", and "L2" (the numbers in each being subscripted) under both the FIRST and SECOND paragraphs of 35 USC 112 (BUT the previous rejection of claims 42 and 53 with regard to confusion about the meaning of "Tt" under the SECOND paragraph of 35 USC 112 has still NOT been sufficiently clarified and would NOT have been overcome);

(5) the previous rejection of (a) claims 52, 56, and 66-67 (since all four of these claims would have been cancelled), (b) claim 53 (due to proposed amendment of "another company" to --first company--), and (c) claims 54-67 (since all of these latter claims would have been cancelled) under the SECOND paragraph of 35 USC 112; and

(6) the previous art rejections of claims 51-52 and 54-67 under 35 USC 103(a) would also have been overcome (since these claims would have been cancelled).

Continuation of 11. does NOT place the application in condition for allowance at least because: the currently proposed amendment would require further consideration and/or search (as stated above) and has therefore not been entered; also, at least two of the previous rejections under the FIRST and SECOND paragraphs of 35 USC 112 remain outstanding and would not have been sufficiently addressed by the currently proposed amendment (in particular, the previous rejection of claims 41 and 53 under the FIRST paragraph of 35 USC 112, as well as the previous rejection of claims 42 and 53 under the SECOND paragraph of 35 USC 112 would still have remained outstanding).

jsr
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